

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

THE ESTATE OF CHRISTOPHER VILLARREAL, by and through VICTOR VILLARREAL, in his capacity as Personal Representative of the Estate; NANCY MASON, in her capacity as general guardian of C.V. and D.V. two surviving minor children of Christopher Villarreal; TIFFANY YOUNG, in her capacity as general guardian of N.Y., a minor child of Christopher Villarreal; SIMON VILLARREAL, Christopher Villarreal's father; and ROSA VILLARREAL, Christopher Villarreal's mother,

Plaintiffs,

vs.

LEE COOPER, in his capacity as a Police Officer for the City of Kennewick Police Department, and as an individual; THE CITY OF KENNEWICK, WASHINGTON, a municipal organization; and KENNEWICK POLICE DEPARTMENT, an agency of the Defendant THE CITY OF KENNEWICK.

Defendants.

NO.: CV-11-5136-RMP

ORDER APPROVING
SETTLEMENTS TO MINORS
AND TO DISBURSE FUNDS

THIS MATTER having come before the Court pursuant to Plaintiffs' Motion for approval of settlement, and the Court having considered the report of the settlement

ORDER APPROVING SETTLEMENTS TO MINORS AND TO DISBURSE FUNDS ~ 1

guardian ad litem regarding the adequacy of the settlement and subsequent distribution of fees and costs, and also having considered the files and records herein, **IT IS HEREBY ORDERED** as follows:

1. Plaintiffs' Motion for Approval of Proposed Settlement and SGAL Report, **ECF No. 99**, is **GRANTED**.

2. That the settlement offer in favor of Plaintiffs as set forth in the Motion for Approval of Settlement with attached report of the settlement guardian ad litem, is approved and is found to be reasonable.

3. Pursuant to LR 17.1, it is ordered that Plaintiffs' counsel shall hold in their IOLTA account \$215,000.00 and shall distribute the funds as follows:

a. \$122,000.00 to Rodriguez & Associates, P.S. as legal fees;

b. \$73,647.67 to Rodriguez & Associates, P.S. as reimbursement for litigation expenses advanced on behalf of Plaintiffs;

c. \$2,500.00 to Mr. Richard Johnson of Delorie-Johnson, PLLC, as the Settlement Guardian Ad Litem;

d. \$2,781.20 to the Estate of Christopher Villarreal for funeral costs;

e. \$306.67 to the Estate of Christopher Villarreal for the creditors claim;

f. \$3,573.39 to Simon and Rosa Villarreal for the US Bank Credit Card debt;

g. \$3,397.03 to a blocked bank account for the benefit of C.V. Upon turning 18 years old, C.V. shall have full access to all funds in the account;

1 h. \$3,397.02 to a blocked bank account for the benefit of D.V. Upon turning 18
2 years old, D.V. shall have full access to all funds in the account; and

3 i. \$3,397.02 to a blocked bank account for the benefit of N.Y. Upon turning 18
4 years old, N.Y. shall have full access to all funds in the account.

5 4. The remaining \$90,000.00 shall be paid by Defendants directly to Pacific Life and
6 Annuity Services, Inc.

7 a. By way of this settlement, Defendants have offered to pay the following
8 sums to or for the benefit of C.V., D.V., and N.Y.

9 b. The future periodic payments of the dates and in the amounts are indicated
10 below:

11 i. Payee: C.V. (DOB: 10/2/1996)

12 \$4,000.00 per year for 6 years commencing October 2, 2015.

13 \$9,343.00 guaranteed lump sum payable October 2, 2021.

14 ii. Payee: D.V. (DOB: 7/22/1998)

15 \$10,000.00 guaranteed lump sum payable July 22, 2019.

16 \$29,479.00 guaranteed lump sum payable July 22, 2023.

17 iii. Payee: N.Y. (DOB: 6/24/2007)

18 \$10,000.00 guaranteed lump sum payable June 4, 2026.

19 \$15,000.00 guaranteed lump sum payable June 4, 2029.

20 \$29,340.00 guaranteed lump sum payable June 4, 2032.

1 Such structured settlement has a present value cost of \$90,000.00
2 (\$30,000.00 per payee).

3 This present value cost is calculated on the assumption that the defendant or
4 its insurer will fund the future periodic payments on or before October 10, 2013. In the
5 event that the date is not met or the purchase price changes, the payment(s) noted above
6 shall be adjusted upward or downward accordingly. In any event, the total purchase price
7 of the annuity contract shall be \$90,000.00 (\$30,000.00 per payee).

8 Any payments made after the death of the Payee shall be made to the Estate
9 of Payee. After the age of majority, Payee may submit a change of beneficiary, in
10 writing, to Assignee. No such designation, or any revocation thereof, shall be effective
11 unless it is in writing and delivered to Assignee. The designation must be in a form
12 acceptable to Assignee. The designation approved by the Court at this time is the Estate
13 of Payee.

14 The obligation to make periodic payments prescribed above will be assigned to
15 Pacific Life and Annuity Services, Inc. ("Assignee") and funded by an annuity contract
16 issued by Pacific Life Insurance Company ("Annuity Issuer"), rated A+ by A.M. Best
17 Company.

18 All parties shall cooperate fully and execute any and all supplementary documents,
19 including a Qualified Assignment and release in compliance with Section 130 of the
20 Internal Revenue Code of 1986, as amended.

1 The District Court Clerk is directed to enter this Order and provide copies to
2 counsel and to Mr. Richard Johnson of Delorie-Johnson, PLLC, Settlement Guardian Ad
3 Litem.

4 **DATED** this 26th day of September 2013.

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6 *s/ Rosanna Malouf Peterson*

7 ROSANNA MALOUF PETERSON
8 Chief United States District Court Judge
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